

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JAMES EDWARD BODY, #144 883 *

Petitioner, *

v. *

2:06-CV-231-MHT

GWENDOLYN MOSLEY, *et al.*, *

Respondents. *

ORDER ON MOTION

It is a rule of this court that if, after considering a prisoner's affidavit for *in forma pauperis* treatment, it is determined that the prisoner is financially able to pay the appropriate filing fee, he must do so.

Upon consideration of the fact that Petitioner had an available balance of \$57.62 in his prison account at the time he filed this application for habeas relief, it is the opinion of the Magistrate Judge that Petitioner is able to pay the applicable \$5.00 filing fee.

Accordingly, it is ORDERED that:

1. On or before March 29, 2006 Petitioner shall forward to the Clerk of the Court the \$5.00 filing fee; and

2. Except to the extent that payment is required under this order, Petitioner's motion for leave to proceed *in forma pauperis* (Doc. No. 3) is GRANTED. Petitioner is cautioned that his failure to comply with this order will result in a Recommendation by the undersigned that the instant petition be dismissed.

Done this 16th day of March 2006.

/s/ Vanzetta Penn McPherson
VANZETTA PENN MCPHERSON
UNITED STATES MAGISTRATE JUDGE